

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THERMO FINNIGAN LLC,

Plaintiff and
Counterclaim Defendant,

V.

APPLERA CORPORATION,

Defendant and
Counterclaim Plaintiff.

Civil Action No.: 04-1505-GMS

STIPULATED AND PROPOSED ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, subject to the approval of the Court, that this action shall be stayed pending reexamination of the patent-in-suit by the Patent and Trademark Office. Either party may ask to lift the stay upon motion.

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APPROVED and SO ORDERED this _____ day of May, 2006.

UNITED STATES DISTRICT JUDGE